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May 16, 2023

**VIA ECF**

Hon. Paul G. Gardephe  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2204  
New York, NY 10007

Re: *N.M. v. New York City Department of Education, et al*, 23-cv-397 (PGG)

Dear Judge Gardephe:

I am the Assistant Corporation Counsel assigned to the defense of the New York City Department of Education (DOE) in the above-referenced action brought under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.*, in which Plaintiff seeks implementation of pendency orders issued by the Impartial Hearing Officer adjudicating the underlying due process complaints and associated attorneys' fees. I write jointly with Plaintiff's counsel, The Law Office of Steven Alizio, PLLC, to request one sixty (60) day stay of this litigation so that the parties may continue settlement negotiations, and specifically so that the parties may negotiate the attorneys' fees component of this matter. The parties propose providing the court with a status update on this matter in 60 days, i.e. on July 14, 2023. This joint letter motion supersedes the joint request made on May 11, 2023 (Dkt. No. 12).

Since our March 28, 2023 correspondence (Dkt. No. 9), the parties have made significant progress and intend to continue to engage in settlement discussions in the hope of resolving this matter without further litigation. Specifically, Defendant has now paid the cost of tuition at the Fusion Academy for the 2021-2022 school year for the subject child, i.e. the sole implementation issue in the Complaint.

The parties have now successfully resolved the implementation issue raised in the Complaint, and Plaintiff has confirmed that there are no other outstanding implementation issues. The parties now intend to turn their attention to the negotiation of attorneys' fees. To that end, Plaintiff's counsel has submitted their billing records to Defendant's counsel. The parties have

successfully negotiated settlements in other IDEA cases and believe that they will be able to do so here.

This is the parties' first request for a stay of this matter to allow for settlement negotiations. Accordingly, the parties request a sixty (60) day stay of this litigation and propose providing a status update on July 14, 2023.

Thank you for your consideration of this request.

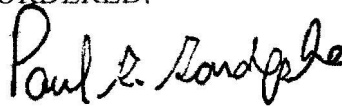
Respectfully,

/s/

Cindy Singh  
Assistant Corporation Counsel

cc: All Counsel of Record (by ECF)

SO ORDERED.



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Paul G. Gardephe  
United States District Judge

Dated: May 16, 2023